



Vacant Building Registration

Agent or Owner Information:

Name _____

Address _____

City, State, Zip _____

Telephone _____

E-mail _____

Property Information:

Common Location _____

Date Building Became Vacant _____

Vacant Building Plan:

Building Envelope _____

Exterior Grounds _____

Demolition _____

Registration and Appeals Process:

Registration of a vacant building shall be valid for a period of six (6) months. If the building is vacant at the expiration of a registration period and the requirements of the vacant building plan have not been completed, or are in default, the owner shall then re-register the building and pay the required \$100.00 filing fee. If the building is vacant at the end of a registration period and the conditions of the vacant building plan are being met, then the owner shall only be required to re-register the building absent the filing fee.

The Director of Inspections shall have the authority to approve the proposed vacant building plan in accordance with the standards of the ordinance. If the Director determines the plan is incomplete per the ordinance the plan will be modified to meet the ordinance. If the owner or agent of the building objects to the modifications made by the Director, such owner or agent shall have the right of appeal to the Building Board of Appeals for a final determination. Such appeal shall be filed with the Building Commissioner within ten (10) days of receipt of the Director's notice of modification.

Effective Date of Plan _____

Expiration Date of Plan _____

Owner or Agent

Date

Director of Inspections or Designee

Date

DIVISION 3 – VACANT BUILDINGS

11.3-1 SCOPE OF DIVISION. This Division shall apply to all vacant buildings and premises thereof in the Town of Normal now existing or hereafter becoming vacant.

11.3-2 INTENT. It is in the intent of this Division to protect the public health, safety, and welfare by establishing a registration process for vacant buildings and requiring responsible parties to implement a maintenance plan for such buildings to remedy any public nuisance, prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby property.

This Division shall be construed liberally and justly to effect its purposes.

11.3-3 OTHER LAWS, CODES, ORDINANCES, AND REGULATIONS. This Division shall not be construed to prevent the enforcement of other laws, codes, ordinances, and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

11.3-4 DEFINITIONS:

- A. **Building** – A structure built for the support, shelter, or enclosure of a person's animals, chattels, or movable property of any kind and which is permanently affixed to the ground.
- B. **Exterior Property Areas** – The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- C. **Maintenance** – Acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and other applicable statutes, codes and ordinances.
- D. **Occupant** – Any person (including domestic service employees) living and/or sleeping in a dwelling unit or having possession of a space within a building.
- E. **Operator** – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- F. **Owner** – Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- G. **Person** – Includes a corporation or co-partnership as well as an individual.

- H. Premises – A lot, plot or parcel of land including the buildings or structures thereon.
- I. Public Nuisances – Includes the following:
1. The physical condition, or uses of any premises regarded as a public nuisance at common law; or
 2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
 3. Any premises which has unsanitary sewerage or plumbing facilities; or
 4. Any premises designated as unsafe for human habitation or use; or
 5. Any premises which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure as to endanger life, limb or property; or
 6. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
 7. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open or vacant and the doors, windows, or other openings are boarded up or secured, by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.
- J. Renovation – A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.
- K. Rubbish – Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.
- L. Vacant – (1) Empty or (2) Not occupied on a regular basis by an occupant or (3) Not used by a person on a regular basis for the usual and customary purposes for which a building is designed and lawfully permitted.
- M. Workmanlike – Whenever the words “workmanlike state of maintenance and repair” are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

- N. Yard – An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

11.3-5 OBLIGATION TO REGISTER VACANT BUILDINGS

- A. Except as provided in Subsection B, whenever any building in the Town is vacant for more than sixty (60) days or whenever any building in the Town is vacant and such building or premises thereof contains one or more of the public nuisances described in this Division, then the owner of such building shall, within ten (10) days of notification, register such building as a vacant building and submit a vacant building plan.
- B. Whenever any building designed as a single-family dwelling is vacant and such building or premises thereof contains one or more of the public nuisances described in this Division, then the owner of such building shall, within ten (10) days of notification, register such building as a vacant building and submit a vacant building plan.

11.3-6 NOTICE OF VACANCY. The Building Commissioner shall provide notice to the owner and person who last paid the general real estate taxes on the building by letter sent by first class mail, return receipt requested, requesting the owner of the building to register the building and submit a vacant building plan with the Building Commissioner.

11.3-7 NOTICE OF PUBLIC NUISANCE. In the event any public nuisance exists in connection with the building or premises thereto then the Building Commissioner shall specify in the notice the existence of such nuisance(s).

11.3-8 REGISTRATION OF VACANT BUILDINGS. The owner registering a vacant building shall supply the following information:

- A. Name, address, and telephone number of owner.
- B. Name, address, and telephone number of any local agent or representative.
- C. Name, address and telephone number of all persons with any legal interest in the property, building, and premises.
- D. Legal description and tax parcel identification number of the premises on which the building is situated.
- E. The common address of the building.
- F. Date on which building became vacant.
- G. Vacant building plan.

The vacant building registration shall be filed with the Building Commissioner accompanied with a one hundred dollar (\$100.00) filing fee. Registration of a vacant building shall be valid for a period of six (6) months. If the building is vacant at the expiration of any registration period and requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay another one hundred dollar (\$100.00) filing fee.

If the building is vacant at the expiration of any registration period and the requirements of the vacant building plan are completed, the owner shall re-register such building without filing a new vacant building plan or paying the one hundred dollar (\$100.00) filing fee.

SEC. 11.3-9 OTHER ENFORCEMENT. The registration of a vacant building shall not preclude action by the Town to demolish or force rehabilitation of the building pursuant to other provisions of this code or other law.

SEC. 11.3-10 VACANT BUILDING PLAN. When a building is registered as required herein, the owner or agent shall submit a vacant building plan. The plan shall contain the following:

- A. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.
- B. For buildings and premises thereof which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).
- C. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified nuisance.
- D. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.
- E. A plan of action to maintain the building and premises thereof in conformance with this Division.

SEC. 11.3-11 APPROVAL OF PLAN. The Building Commissioner shall have sole discretion to approve the proposed vacant building plan in accordance with the standards governing Building Board of Appeals review. If the Building Commissioner approves the plan, notice shall be sent to the owner or agent of the vacant building.

SEC. 11.3-12 AUTHORITY TO MODIFY PLAN AND APPEAL RIGHT. The Building Commissioner shall, upon notice to the vacant building owner or agent, have the right to modify the vacant building plan by altering the dates of performance or the proposed methods of action. If the owner or agent of the vacant building objects to the modifications made by the Building Commissioner, such owner shall have the right of appeal to the Town Building Board of Appeals for final determination. Such appeal shall be filed with the Building Commissioner within ten (10) days of receipt of the Building Commissioner's notice of modification.

SEC. 11.3-13 STANDARDS GOVERNING BUILDING BOARD OF APPEALS REVIEW. In considering the appropriateness of a vacant building plan, the Building Board of Appeals shall consider the following:

- A. The purposes of this Division and intent of the Town Council to minimize the period of time a building is boarded up or otherwise vacant.
- B. The affect of the proposed plan on adjoining property.
- C. The general economic conditions of the community.
- D. The financial condition of the owner.
- E. The cost to implement the proposed plan.
- F. The length of time the building has been vacant.
- G. The presence of any public nuisances on the property.
- H. The relative hardship on or gain to the public as contrasted and compared to the hardship or gain of the owner resulting from approval or modification of the proposed plan.

SEC. 11.3-14 DECISION BY BUILDING BOARD OF APPEAL. The Building Board of Appeals, after considering the testimony of the Building Commissioner, the building owner and any interested person, shall render its decision on the owner's appeal of the Building Commissioner's modifications to the proposed vacant building plan. The Building Board of Appeals shall have authority to fashion its own vacant building plan or approve the plan submitted by the owner or the plan modified by the Building Commissioner. The decision of the Building Board of Appeals shall be final and constitute the approved vacant building plan.

SEC. 11.3-15 FAILURE TO COMPLY WITH PLAN. Failure to comply with the approved plan shall constitute violation of this Division subjecting the owner of the building to penalties upon conviction as provided in this Chapter.

SEC. 11.3-16 CHANGE OF OWNERSHIP. The vacant building plan shall remain in effect notwithstanding a change in ownership. The new owner is required to file a new registration with the Building Commissioner, and supply the name and address and telephone number of the new owner(s). The new registration shall be in the same form as the original registration, however, the one hundred dollar (\$100.00) filing fee shall waived.

SEC. 11.3-17 MAINTENANCE STANDARDS. The owner of a vacant building shall comply with the International Property Maintenance Code as amended from time to time, with specific additions, deletions, insertions, and modifications as hereafter set forth in SEC. 11.4-5.